

Amendments to the Drawings:

The drawing sheets attached in connection with the above-identified application containing Figures 1, 3A, 5A, 7A and 7B are being presented as new formal drawing sheets to be substituted for the previously submitted drawing sheets. The drawing Figures 1, 3A, 5A, 7A and 7B have been amended. Appended to this amendment is an annotated copy of the previous drawing sheets which have been marked to show changes presented in the replacement sheets of the drawing.

The specific changes which have been made to Figure 1 are to include the reference numeral 33 to label the pressure regulator mechanism. The specific changes which have been made to Figure 3A are to include the position of the sealing materials discussed in the specification. The specific changes which have been made to Figure 5A are to extend the lead line from reference numeral 107. The specific changes which have been made to Figures 7A and 7B are to replace the reference numeral "93" with reference numeral "93a".

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 1 has been cancelled.

Claims 2-7, 20 and 22 have been amended. Claim 2 has been amended to be independent from. Support for the amendments to independent claims 20 and 22 can be found at least in original claim 2.

Claims 2-23 are pending, of which claims 11-19, 21 and 23 have been withdrawn from consideration.

Title

The Patent Office indicated that the title of the invention is not descriptive. The title has been amended to be descriptive.

Allowable subject matter

Applicants appreciate the indication that claims 3-6 and 8 contain allowable subject matter.

Rejections under 35 U.S.C. §§ 102 and 103

Claim 22 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. 2002/0022171 to Saito et al. ("Saito"). Claims 1-2, 7, 9-10, 20 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Saito in view of U.S. Patent No. 6,706,438 to Sahoda et al. ("Sahoda"). Applicants respectfully traverse these rejections for at least the following reasons.

Independent claim 2, as amended, recites:

A fuel cell system, comprising:

a fuel cell;
a hydrogen supply source supplying hydrogen to the fuel cell;
an ejector unit equipped with more than three ejector sections disposed between the fuel cell and the hydrogen supply source and permitting excess hydrogen, expelled from the fuel cell, among hydrogen supplied to the fuel cell from the hydrogen supply source to be recirculated to the fuel cell; and
a shut-off mechanism selectively shutting off hydrogen communicating through at least one of the ejector sections, *wherein the ejector unit comprises a housing formed with a hydrogen inlet port, a hydrogen outlet port and a hydrogen recirculation port, and a valve body moveably received in the housing and incorporating the ejector sections,*
wherein movement of the valve body allows any one of the ejector sections to be selected.

Saito fails to disclose at least the above italicized combination of features in the context of claim 2, where movement of the valve body, which is moveably received in the housing of the ejector unit and incorporates the ejector sections, allows any one of the ejector sections to be selected.

With respect to claim 2, the Patent Office states on page 4 of the Office Action that Saito teaches each of the ejectors comprising a housing 33 formed with a hydrogen inlet port 31, a hydrogen outlet port 32, and a hydrogen recirculation port 35, and a valve body moveably received in the housing and incorporating a plurality of ejector sections 60, 62, and 63, wherein movement of the valve body allows any one of the plural ejector sections to be selected, and cites to paragraph [0041] of Saito.

Saito, however, does not disclose as recited in claim 2, a structure where movement of a valve body of an ejector unit, where the valve body is moveably received in the housing of the ejector unit and incorporates the ejector sections, allows any one of the ejector sections to be selected. Saito discloses in FIG. 2 a unit body 33 (equated by the PTO with the housing as recited) formed with a hydrogen inlet pipe 31, hydrogen outlet pipe 32 and the hydrogen recirculation port 35. A valve body 66 is disposed between first and second valve seats 64 and 65 in the unit body 33, and switches between the valve seats to selectively switch hydrogen between first and second ejectors 40 and 50. In contrast to the structure of claim 2, however, the valve body 66 does not incorporate the first and second ejectors 40 and 50. Rather, the first and second ejectors 40 and 50 are fixedly secured to the unit body 33 and the valve 66 is merely a switching valve to switch the first passage 62 connected through the first

ejector 40 and the second passage 63 connected through the second ejector 50. Thus, the switching valve 66 does not incorporate the first and second ejectors 40 and 50, and Saito does not suggest the feature of claim 2, where movement of a valve body of an ejector unit, where the valve body is moveably received in the housing of the ejector unit and incorporates the ejector sections, allows any one of the ejector sections to be selected.

Sahoda was cited for other features of the claims, but fails to cure the deficiencies of Saito.

Independent claims 20 and 22 include features corresponding to those discussed above with respect to claim 2, and are patentable for analogous reasons.

The dependent claims are patentable for at least the same reasons as their respective independent claims, as well as for further patentable features recited therein.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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